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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,651	10/27/2003	Samuel P. Hopkins	FORE-106	3989
7590 Ansel M. Schwartz Suite 304 201 N. Craig Street Pittsburgh, PA 15213				
06/05/2008				
EXAMINER				
CHOI, EUNSOOK				
ART UNIT		PAPER NUMBER		
2619				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/694,651

Applicant(s)

HOPKINS, SAMUEL P.

Examiner

EUNSOOK CHOI

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 6-10 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6-10 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to because Fig. 1 and Fig. 2 lack descriptive text labels. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 6-10, and 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

- Claims 1 and 10 recite the new limitation "the second node is only able to communicate with the third node through the first node if the first node allows the second node to communicate with the third node" which is not supported by the original disclosure, i.e., a new matter.
- Claims 1 and 10 recite "the second node is only able to communicate with the first node, and with the third node only through the first node" which is not supported by the original disclosure, i.e., a new matter.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 6-10, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 10 recite "a communication portion in communication with the first network and the third node, the second node is only able to communicate with the first node, and with the third node only through the first node, the third node only communicating with the first port of the first node through the communication portion via TCP/IP port extension using gateway methodology **which does not connect the first network with the second network**" which is

indefinite because there is a connection between the first network and the second network in the limitations of "a communication portion in communication with the first network and the third node".

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 6, 7, 10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richmond et al. (US PG PUB 20030152067) in view of Jerrim et al. (US 20040088571 A1).

Regarding claim 1, Richmond teaches a first network (**Fig. 1B Network within the cloud**) having a first node (**Fig. 1B 144 network entry device**) having a first TCP/IP port (**Paragraph 5 Entry port module 146 of network entry device**) predefined by an administrator and a second node (**Fig. 1B 134**) which can communicate with each other, a second network (**Fig. 1B 150**) which includes at least a part of an Internet (**Fig. 1B 148, and [0018] a gateway server having a port module connected to the Internet**) having a third node having a second TCP/IP port separate and apart from the first network; and a communication portion in communication with the first network and the third node, the second node is only able to communicate with the first node, and with the third node only through the first node, the third node only communicating with the first port of the first node through the communication portion

[[0120] and [0130] service abstractions may be assigned to one or more users of the network, and may be used to configure a port module of a network device. It is desirable to allow a network manager the ability to define services to be provided for users using service abstractions, where each service abstraction has a meaning to an administrator within the context of a communications network, i.e., specifies a service to be provided to users). Richmond further teaches the gateway methodology which does not connect the first network with the second network, the second node is only able to communicate with the third node through the first node if the first node allows the second node to communicate with the third node **(Fig. 13A 1314 at the entry port module of the network, denying the user access to the communications network if not valid identification)**.

However, Richmond does not expressly teach TCP/IP port extension using gateway methodology, the first TCP/IP port and the second TCP/IP port remain constant and cannot be changed, the second node cannot use any port between the first and third nodes except for the first and second TCP/IP ports that have been predefined from the first node to the third node, which prevents an intruder who compromises the second network from gaining access to the first network except for the first TCP/IP port. Jerrim teaches in **Fig. 1 – Hacker host #3 and port profiling**. Jerrim further teaches in **Fig. 3 and paragraph [0198]** the port profiling engine determining the client zone and the server zone is determined and in **paragraph [0102]** if any unauthorized zone for a particular zone attempts to connect as a client to a sever in the particular zone, an alarm will be generated unless that service is excluded from the

zone lockout. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have TCP/IP port extension using gateway methodology, the first TCP/IP port and the second TCP/IP port remain constant and cannot be changed, the second node cannot use any port between the first and third nodes except for the first and second TCP/IP ports that have been predefined from the first node to the third node because unauthorized network usage can be determined without the need for resource intensive packet data analysis (Paragraph 39, Jerrim).

Regarding claims 6 and 14, Richmond and Jerrim teach the limitations for claims 1 and 10. Jerrim teaches the first network monitors and manages the second network (Fig. 2).

Regarding claim 7, Richmond and Jerrim teach the limitations for claim 1. Jerrim teaches first network having the first node having the first port and a primary server, the second node having the second port and a client server in communication with each other (Fig. 2).

8. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richmond et al. (US PG PUB 20030152067) modified by Jerrim in view of Jacobson et al. (US Patent 6044402).

Regarding claim 8, Richmond and Jerrim teach the limitations for claim 1. However, Richmond and Jerrim do not teach the client server encrypts data from the third node on the connection and the primary server decrypts data for the first node. Jacobson teaches in Fig. 7 190 – Encryptor/Decryptor. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have the client server

encrypts data from the third node on the connection and the primary server decrypts data for the first node in order to block unwanted connections (Abstract, Jacobson).

Regarding claim 9, Richmond, Jerrim, and Jacobson teach the limitations for claim 8. Jerrim teaches the first network monitors and manages the second network (Fig. 2).

Response to Arguments

9. Applicant's arguments with respect to claims 1 and 10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EUNSOOK CHOI whose telephone number is (571)270-1822. The examiner can normally be reached on Monday-Friday 8:00-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EC
6/2/2008
/CHAU T. NGUYEN/
Supervisory Patent Examiner, Art Unit 2619